

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

21 MC 102 (AKH)

ANGEL AVILA (AND WIFE, AMMSY
AVILA),

Plaintiff,

DOCKET NO. 07-CV-060

v.

DECLARATION OF RICHARD LEFF

ALAN KASMAN DBA KASCO, et al.,

Defendants.

I, Richard E. Leff, pursuant to 28 U.S.C. §1746, affirm under the penalty of perjury that the following is true and correct:

1. I am a partner with the law firm of McGivney & Kluger, P.C., counsel for Defendants RY MANAGEMENT COMPANY INCORPORATED (“RY”), HUDSON VIEW EAST CONDOMINIUM, and BOARD OF MANAGERS OF THE HUDSON VIEW EAST CONDOMINIUM (collectively “HUDSON”) in this matter. I am admitted to practice law before the Court and am familiar with the matters set forth herein. I submit this Declaration in support of the current motion seeking summary judgment dismissing Plaintiff’s Complaint in its entirety pursuant to Rule 56 of the Federal Rules of Civil Procedure.

2. Plaintiff filed an Amended Complaint By Adoption Related To The Master Complaint, adopting the Master Complaint, on or around September 20, 2007. A copy of same is attached as Exhibit A.

3. A Master Complaint was created to be adopted by plaintiffs in the World Trade Center Disaster Site Litigation. A copy of the Master Complaint is attached as Exhibit B.
4. A copy of Plaintiff's TCDI response is attached as Exhibit C.
5. Plaintiff testified at a 50-h hearing on February 12, 2013, and March 7, 2013. A copy of the relevant portions of the hearing transcript is attached as Exhibit D.
6. Plaintiff was deposed on May 21, 2013, August 16, 2013, and September 13, 2013. A copy of the relevant portions of Plaintiff's deposition transcript is attached as Exhibit E.
7. A copy of Plaintiff's Local 78 member work history record is attached as Exhibit F.
8. Local 78 Executive Board Member Jorge Roldan was deposed on April 2, 2014 and April 7, 2014. A copy of the relevant portions of Mr. Roldan's testimony is attached as Exhibit G.
9. Teresa Tota, RY'S Executive Vice President, testified on behalf of HUDSON at her deposition held on May 8, 2012. A copy of the relevant portions of Ms. Tota's deposition transcript is attached as Exhibit H.
10. Paul G. O'Brien, President of Pinnacle Environmental Corporation, executed a Declaration on or around December 12, 2013. A copy of same is attached as Exhibit I.

Dated: New York, New York
June 13, 2014

McGIVNEY & KLUGER, P.C.

By: 

Richard Leff, Esq. (REL-2123)
Attorneys for Defendants

**RY MANAGEMENT COMPANY
INCORPORATED, HUDSON
VIEW EAST CONDOMINIUM,
and BOARD OF MANAGERS OF**

**THE HUDSON VIEW EAST
CONDOMINIUM**

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